

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Russell Miller
 Serial No. 10/824,765
 Filed: April 14, 2004
 Title: Adjustable, Interlocking Iliac Crest Belt for Body Brace
 Attorney Docket: BostonBrace/Belt/CON

Certificate of Facsimile Transmission

I hereby certify that the attached correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, facsimile telephone number 703.746.4060, on this day, August 27, 2004.

Sunshine Limanni
 Sunshine Limanni

Response To "Notice to File Missing Parts of NonProvisional Application"

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
8 TOTAL PAGES

RECEIVED
 AUG 31 2004
 OIPE/JCWS

In response to the "Notice to File Missing Parts of NonProvisional Application" (the "Notice") mailed June 28, 2004 (Part 2 copy attached hereto), attached for facsimile filing are:

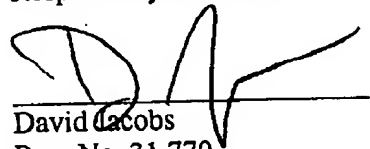
- 1) Authorization to charge fees to deposit account: Applicant hereby claims small entity status. Accordingly, the USPTO is hereby authorized to charge the balance of \$450: \$385 basic filing fee; \$65 for the late filing fee, and any other required fee, to the Gesmer Updegrove PTO Deposit Account No. 122315. A duplicate copy of this response letter is attached; and
- 2) Drawings: The Notice asserts that "the drawings submitted are not acceptable because: More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic number. . . or an Arabic numeral and capital letter in the English alphabet (A,B, etc.). . . See Figure(s) 2." That objection is not entirely accurate, however, since the drawings submitted, Sheet 2 of 8 clearly bears the legends "FIG. 2A" and "FIG. 2B", respectively, under the corresponding FIGS. 2A and 2B. (Applicant notes these drawings are identical to those approved by the USPTO in related, issued, U.S. Patent No. 6,676,617 B1.) Accordingly, the applicant submits that no new drawings are required.

Serial No. 10/824,765 filed April 14, 2004

However, Applicant acknowledges that the specification inaccurately refers to a "FIG. 2" at pages 10 (line 12), 12 (line 12) and 22 (line 3). Accordingly, Applicant has filed herewith a Preliminary Amendment that changes "FIG. 2" to "FIG 2A" in each of these instances.

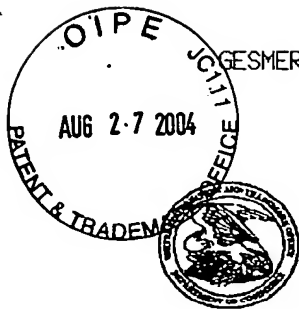
If additional information is required, you are invited to immediately contact the undersigned via telephone or facsimile at the numbers listed below. Thank you for your attention to this matter.

Respectfully submitted,



David Jacobs
Reg. No. 31,770
GESMER UPDEGROVE LLP
Boston, MA 02109
Tel.: (617) 350-6800
Fax: (617) 350-6878

Date: August 27, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

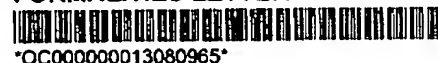
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,765	04/14/2004	James Russell Miller	BostonBrace/Belt/CON

CONFIRMATION NO. 6735

24390
LUCASH, GESMER & UPDEGROVE, LLP
40 BROAD ST
SUITE 300
BOSTON, MA 02109

FORMALITIES LETTER



OC000000013080965

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 2.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

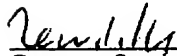
- \$770 Statutory basic filing fee.

08/31/2004 NROCH01 00000031 122315 10824765
01 FC:2001 385.00 DA
02 FC:2051 65.00 DA

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE